

puritanism in England. If the limit is too remote, there is no discipline, and the regulation fails of its purpose. Then a corruption of manners ensues. In the cases now to be given we shall see the power of the mores to give validity to various customs. The cases are all such that we may see in them sanction and currency given to things which seem to us contrary to simple and self-evident rules of right; that is, they are contrary to the views now inculcated in us by our own mores as axiomatic and beyond the need of proof.<sup>1</sup>

573. Punishments for crime. Mediaeval punishments for criminals, leaving out of account heretics and witches, bore witness to the grossness, obscenity, inhumanity, and ferocity of the mores of that age. The punishments were not thought wrong or questionable. There was no revolt against them in any one's mind. They were judged right, wise, and necessary, by full public opinion. They were not on the outer boundary of the mores, but in the core of them. Schultz<sup>2</sup> says that the romancers have not exaggerated the horrors of mediaeval dungeons. Many of them still remain and are shown to horrified tourists. There was no arrangement for having them cleaned by anybody, so that in time they were sure to become horribly dangerous to health. They were small, dark, damp, cold, and infested by vermin, rats, snakes, etc.<sup>3</sup> Several dungeons in the Bastille were so constructed that the prisoners could neither sit, stand, nor lie, in comfort.<sup>4</sup> Fiendish ingenuity was expended on the invention of refinements of suffering, and executions offered public exhibitions in which the worst vices in the mores of the time were fed and strengthened. Many punishments were not only

cruel, but obscene, the cruelty and obscenity being  
destitute of  
moral or civil motive and only serving to gratify  
malignant  
passion. A case is mentioned of a law in which it  
was provided  
that if a criminal had no property, his wife should  
be violated  
by a public official as a penalty.<sup>5</sup> In the later  
Middle Ages,  
after torture was introduced into civil  
proceedings, ingenuity

<sup>1</sup> See sees. 184-188, on Fashion.  
377.

<sup>2</sup> *Hof\* Leben*, I, 37.  
430.

<sup>3</sup> Scherr, *Kulturgesch* ^

<sup>4</sup> Lacroix, *Moyen Age*, I,

<sup>6</sup> Schlutz, *Z>. Z.*, 160.